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## Country report Latvia

Annual report to the IFLA CLM committee  
Singapore 2013

### Copyright

#### New legislation

An amendment to the Copyright act was approved by Saeima (parliament) of the Republic of Latvia on 18.04.2013. The changes mostly concern the regulation of collective management organisations (publication of information on their websites, methodology for calculation of fair remuneration, reporting); the most notable change however is the new definition for public performance – the act of the public performance now is considered to have taken place if it has been intended for “many members of society not related to the performer or each other”, instead of performance “outside of the usual family circle”.

#### Proposed legislation

First round of discussions has been held by the working group for modernisation of copyright law by the Ministry of Culture in 2013 to discuss the EU Directive 2012/28/EU on certain permitted uses of orphan works and its implementation in the Copyright act of Republic of Latvia. However it is not expected to be implemented in 2013.

#### Pending legislative issues

##### *Mass digitization and digital preservation*

The working group for modernisation of copyright law by the Ministry of Culture is looking at possibilities to improve the current Copyright act; a representative from the National Library of Latvia is a member of the working group. Some library related amendments still are on the table of the working group and National Library has been asked to submit its proposals in a proper legal language this autumn. Proposed changes include:

- Change of the language of the library exception; the new version should simplify the language and state that every memory institution is allowed to digitize items in its holdings for preservation purposes;
- Change in the library exception regarding the accessibility to the digitised materials; the new version proposes to replace “the closed network” with a “secured connection” and widen the range of institutions to all memory and educational institutions;
- Introduction of the exception for promotional use in order to allow use of thumbnails of protected works without authorisation and remuneration;
- Introduction of indexing exception allowing for data mining.

##### *Legal deposit*

The work of the working group on amendments of the Legal deposit law has stalled as a result of major disagreements between library and publisher representatives about the number of legal deposit copies to be delivered and the clause requiring submission of electronic copies of legal deposit materials.

##### *Public lending rights*

A proposal has been discussed by the working group for modernisation of copyright law by the Ministry of Culture which would remove the notion that authors are to be remunerated for making available of their works according to the public lending scheme, introduce a new mandatory

remuneration scheme for works made available by libraries, and add publishers as beneficiaries of both remuneration schemes (currently only authors receive the remuneration).

### *Levies*

The constitutional (Satversmes) court of the Republic of Latvia decreed on May 2012 that the current regulation of levies on data carriers are unfair to the rights holders and have to be amended by the end of the year. As a result the regulation was amended on October 23 last year, adjusting levies for CDs, DVDs and computer equipment, and introducing levies for USB flash drives, as well as removing levies for some extinct formats of data carriers and hardware components. However no levy was introduced, for example, on mobile phones, as was requested by rights holders.

### **Law cases**

A criminal case against a private digital library which digitised and made available protected works without a permission of right owners was brought to court on 2011. The defendants argued that they were not digitising and making available works based on library exception but rather based on a notion that public lending can be applied also to the copies of works, and that they didn't make the works available but indeed performed the act of (digital) public lending (of copies of works), for which they do not need any authorisation provided they pay the public lending fee. On June this year the first instance of court acquitted the defendants. The decision isn't published yet so it is not clear what was the reasoning of court; also it is not known whether the case will be appealed.

### **Advocacy/Lobbying activities**

The National Library of Latvia is regularly consulted by the Ministry of Culture during preparation of national positions on EU policy initiatives, and as a result in most cases Latvia has taken a library friendly position (on OW directive, PSI directive and others).

### **Educational activities**

Copyright in libraries remains a popular professional training course for librarians offered by the National Library of Latvia. It has been discussed that a handbook on copyright for librarians in Latvian should be developed and published.

### **Strategic plans for the future**

National Library of Latvia completed an EIFL-IP funded project to explore the legal ground for e-book acquisition and lending in libraries. It was concluded that no legal solution is possible at the moment and instead a Memorandum of Understanding together with a model agreement was developed and discussed both with librarians and publishers. The MoU was never signed because of the position of publishers that the whole issue is unnecessary rushed and has to be researched more deeply. However there are plans to launch a small scale pilot project on e-book lending to prove the concepts included in the MoU and the actual impact on publishing industry.